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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,925	06/20/2001	Seiichi Araki	MTSU-1001US	7925

21302 7590 07/12/2002

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EXAMINER

DAVIS, RUTH A

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 07/12/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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09/806,925 6/20/2001 ARAKI

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EXAMINER

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Commissioner of Patents and Trademarks

1. Newly submitted claims 61 – 120 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The inventions of claims 61 – 120 are drawn to several unrelated methods of using a composition comprising sugar cane extract. Since compositions comprising sugar cane extract are well known in the art, the inventions of claims 61 – 120 do not share a special technical feature with the originally presented invention of claims 1 – 60, or with each other. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 61 – 120 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on April 22, 2002 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the inventions of new claims 61 – 120 do not share a special technical feature with the invention of claims 1 – 60 and are drawn to several unrelated methods of use. Specifically, the compositions comprising sugar cane extract could be used in other materially different methods, such as food sweeteners, building materials, manufacturing cardboard and paper. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Davis, whose telephone number is (703) 308-6310.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn, can be reached on (703) 308-4743. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

LEON B. LANKFORD, JR.
PRIMARY EXAMINER